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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,796	10/18/2005	Andreas Schmidt	4001-1208	6098
466	7590	09/13/2007		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER BROWN, SHEREE N	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/553,796

Applicant(s)

SCHMIDT ET AL.

Examiner

Sheree N. Brown

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/18/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This communication is responsive to the Application# 10/533,796 filed on 10/18/2005.
2. Claims 1-12 are pending and presented for examination. Claims 1 and 12 are the independent claims and the remaining claims are the dependent claims.
3. This action has been made non-final.

#### *Priority*

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### *Information Disclosure Statement*

5. The information disclosure statement (IDS) submitted on 10/18/2005 has been considered by the examiner.

#### *Drawings*

6. The drawings are objected to because it is not clear what applicant is referring to in 1-4 with "GroBe, Anzeige, Rechte Abspielen, and Anzahl!". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary,

the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### *Claim Objections*

7. Claim 1 is objected to because of the following informalities: Claim 1 does not have a transitional phrase. Claim construction is an essential part of the examination process. Each claim must be separately analyzed and given its broadest reasonable interpretation in light of and consistent with the written description. See, e.g., *In re Morris*, 127 F.3d 1048, 1053-54, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). The entire claim must be considered, including the preamble language and the transitional phrase. "Preamble language" is that language in a claim appearing before the transitional phrase, e.g., before "comprising," "consisting essentially of," or "consisting of." Examiners suggests claim 1 preamble should recite, "A method for managing the memory content or a memory area of a data processing terminal (10) and/or of a communication terminal (11) or for presenting the memory content or a memory area on the user surface (1) of a data processing terminal (10) and/or of a communication

terminal comprising: characterizing in that the name or the title of at least one user data object (3) contained in a DRM file is shown directly on the user surface (1) of the data processing terminal (10) and/or of the communication terminal (11) together with the name or the title of the DRM file (2) and/or, if present, with the name or the title of other files (4), for example picture, audio or text files". Appropriate correction is required.

8. Claims 2-11 are objected to because of the following informalities: Claims 2-11 should recite, "The method" instead of "Method". Appropriate correction is required.

9. Claim 12 is objected to because of the following informalities: Claim 12 should recite, "The telecommunications arrangement" instead of "Telecommunications arrangement ... ". Appropriate correction is required.

### *Specification*

10. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

11. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

*Claim Rejections - 35 USC § 112*

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In particular, claim 1 contains indefinite issues and 35 USC 101 issues in which renders the claims as failing to comply with the enablement requirement. Claims 2-12 are rejected for depending upon rejected based claims.

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

15. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "the memory content" and "the user surface". There is insufficient antecedent basis for "the memory content" and "the user surface" and therefore, this claim is rendered as indefinite. Claims 2-12 are rejected for depending upon a rejected based claim.

Claim 1 also recites, "the name" and "the title". There is insufficient antecedent basis for "the name" and "the title" and therefore, this claim is rendered as indefinite.

Claims 2-12 are rejected for depending upon a rejected based claim.

***Claim Rejections - 35 USC § 101***

16. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

17. Claim(s) 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-12 are directed to a method and system managing memory content. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/ phenomenon) since it fails to produce a useful, concrete and tangible result.

Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data.

***Claim Rejections - 35 USC § 102***

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -



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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

19. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2002/0178271 to *Graham (et al hereafter Graham)*.

Claim 1:

*Graham* teaches a method for managing the memory content or a memory area [See Paragraphs 0032 & 0048] of a data processing terminal (10) and/or of a communication terminal (11) or for presenting the memory content or a memory area on the user surface (1) of a data processing terminal (10) and/or of a communication terminal [(i.e. communication interface) See Figure 2A, Item 212 & Paragraph 0028] characterized in that the name or the title of at least one user data object (3) contained in a DRM file [See Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] is shown directly on the user surface (1) [See Paragraphs 0048 & 0059] of the data processing terminal (10) and/or of the communication terminal (11) [(i.e. communication interface) See Figure 2A, Item 212 & Paragraph 0028] together with the name or the title of the DRM file (2) [See Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] and/or, if present, with the name or the title of other files (4), for example picture, audio or text files [See Paragraphs 0003, 0017, 0026, 0034, 0042-0044, & 0051-0053].

Claim 2:

*Graham* teaches a method in accordance with claim 1, characterized in that the method has the following steps:

Opening the DRM file (2) [See Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] and reading out basic parameters (5), for example name, type [See Paragraphs 0017, 0041, 0051, 0059], size [See Paragraphs 0070], etc., of the at least one user data object;

Displaying ["title, artist, album" See Figure 4A-4C & 5C], size [See Paragraphs 0070], at least one of the parameters (5) of the user data object (3) previously read out instead of or in addition to corresponding parameters (5), such as name, type [See Paragraphs 0017, 0041, 0051, 0059], size [See Paragraphs 0070], etc., of the DRM file (2) on the user surface (1) of the data processing terminal (10) and/or of the communication terminal (11) [(i.e. communication interface) See Figure 2A, Item 212 & Paragraph 0028].

**Claim 3:**

*Graham* teaches a method in accordance with claim 2, characterized in that in a further step, usage rights (6) [See Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] of the at least one user data object (3) are sought, evaluated and presented in combination with at least the name/title ["title, artist, album" See Figure 4A-4C & 5C] and possibly with the remaining parameters (5) of the corresponding DRM file (2) or of the corresponding user data object (3) on the user surface (1) ["user interface screen (GUI) See Figure 4A-4C, 5C & Paragraph 0060-0063], of the data processing terminal (10) and/or of the communication terminal (11) [(i.e. communication interface) See Figure 2A, Item 212 & Paragraph 0028].

**Claim 4:**

*Graham* teaches a method according claim 1, characterized in that the parameters (5), especially the name/title of the DRM file (2) [See Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] and/or the parameters (5), especially the name/title ["title, artist, album" See Figure 4A-4C & 5C] of the at least one user data object (3) are differentiated from the parameters (5) of other files (4) by a special display, for example by an additional symbol, by an symbol modified from the usual symbolic representation of the parameters (5) of a file or of a user data object or by changing the display color, brightness or structure ["user interface screen (GUI) See Figure 4A-4C, 5C & Paragraph 0060-0063].

**Claim 5:**

*Graham* teaches a method according to claim 1, characterized in that a number of user data objects (3) of a DRM file (2) are shown separately as independent objects.

**Claim 6:**

*Graham* teaches a method according to claim 1, characterized in that a number of user data objects (3) of a DRM file (2) [See Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] or the parameters (5) of a number of user data objects (3) of a DRM file (2) [See Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] are represented by a graphical component (7) ["backdrops as mountain scenes, streams and other back drops" See Figure 4A-4C, 5C & Paragraph 0060-0063], for example a bracket or a frame around the user data objects (3) of a DRM file (2) [See Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] or around the parameters (5) of a number of user data objects of a DRM file (2) [See Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] and/or a common display color, brightness or structure ["user interface screen

(GUI) See Figure 4A-4C, 5C & Paragraph 0060-0063].

**Claim 7:**

*Graham* teaches a method according to claim 1, characterized in that the at least one user data object (3) is presented as a subfolder of a DRM folder, for example in the form of a tree structure [(i.e. directory) See Paragraphs 0070].

**Claim 8:**

*Graham* teaches a method according to claim 1, characterized in that an application for managing the usage rights (6) belonging to a user data object (3) is integrated into the application for presentation of the memory content [(i.e. memory display) See Paragraph 0048] or of a memory area on the user surface (1) of a data processing terminal (10) and/or of a communication terminal (11) [(i.e. communication interface) See Figure 2A, Item 212 & Paragraph 0028].

**Claim 9:**

*Graham* teaches a method in accordance with claim 8, characterized in that on activation of a user data object (3) the existing usage rights (6) are checked and, with a positive result, the user data object (3) is encrypted and transferred to the corresponding application for usage of the user data object (3) or, with a negative result, the usage of the user data object (3) is prevented [See Paragraph 0032, 0043, 0052, 0069 & 0073-0076].

**Claim 10:**

*Graham* teaches a method in accordance with claim 2, characterized in that, as further property parameter of the user data object (3) it is shown whether usage rights (6) are

present for a user data object (3) or not, and/or what the type or the extent of these usage rights (6) is [See Paragraphs 0032, 0043, 0051, 0069, 0073].

**Claim 11:**

*Graham* teaches a method in accordance with claim 10, characterized in that different types of usage right (6) are represented by corresponding different graphical and/or textual representations [See Paragraphs 0013, 0020, 0027, 0059].

**Claim 12:**

Telecommunications arrangement (9), comprising at least one data processing terminal (i0) and/or a communication terminal (ii), which is arranged for executing a method in accordance with claim 1 [(i.e. communication interface) See Figure 2A, Item 212 & Paragraph 0028].

*Conclusion*

20. The prior art made of record, 2002/0178271 & 2004/0044774 are not relied upon but is considered pertinent to applicant's disclosure.

*Contact Information*

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheree N. Brown whose telephone number is (571) 272-4229. The examiner can normally be reached on Monday-Friday 7:00 AM - 3:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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September 7, 2007



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